

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

|                    |   |                      |
|--------------------|---|----------------------|
| In re:             | ) | Chapter 11           |
|                    | ) |                      |
| IYS Ventures, LLC, | ) | Case No. 23-06782    |
|                    | ) |                      |
| Debtor             | ) | Hon. David D. Cleary |
| _____              | ) |                      |

**APPLICATION TO SET HEARING ON  
EBY-BROWN COMPANY, LLC’S EMERGENCY MOTION  
FOR ENTRY OF AN ORDER TEMPORARILY ALLOWING CLAIM  
FOR VOTING PURPOSES PURSUANT TO BANKRUPTCY RULE 3018(a)**

Pursuant to Local Rule 9013-2, Eby-Brown Company, LLC (“Eby-Brown”), by and through its undersigned counsel, hereby submits this motion (the “Application”) to set for hearing on December 18, 2024, at 10:00 a.m., or such other date that is before December 27, 2024, *Eby-Brown Company, LLC’s Emergency Motion for Entry of an Order Temporarily Allowing Claim for Voting Purposes Pursuant to Bankruptcy Rule 3018(a)*, attached hereto as **Exhibit 1** (the “Motion”).<sup>1</sup>

1. The Motion requests that the Court enter an order, substantially in the form attached as Exhibit A thereto, temporarily allowing the Eby-Brown Proof of Claim, pursuant to Bankruptcy Rule 3018(a), as an unsecured Class 5 Claim in the amount of \$7,117,731.00 for purposes of voting on the chapter 11 plans (the “Plans”) proposed by IYS Ventures, LLC (the “Debtor”) and CrossAmerica Partners LP (“CAP”).

2. This Application arises from emergent circumstances that could not reasonably have been foreseen. First, the Debtor filed an objection to the Eby-Brown Proof of Claim on December 4, 2024 [Docket No. 768] (the “Claim Objection”). The Debtor noticed the hearing

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<sup>1</sup> Capitalized terms used but not defined herein have the meanings ascribed to them in the Motion.

on the Claim Objection for January 8, 2025—which is twelve (12) days *after* the fast approaching deadline for voting creditors to submit ballots on the Plans (December 27, 2024) (the “Voting Deadline”). The timing of the Claim Objection is engineered to strip the Eby-Brown Proof of Claim of its “deemed allowed” status under section 502(a), without merit, and delay resolution until the Voting Deadline has already passed. The Debtor’s misguided strategy seeks to take advantage of the Court’s calendar and procedural technicalities to deprive Eby-Brown of its right to vote on the Plans under section 1126(a) of the Bankruptcy Code.

3. Moreover, the holidays coincide with what would otherwise be the Court’s last regularly scheduled hearing on newly filed chapter 11 motions prior to the Voting Deadline. Thus, absent the relief requested herein, the Motion would not be heard until after the Voting Deadline has passed, and Eby-Brown could suffer serious and irreparable harm by having its right to vote on the Plans unduly obstructed through procedural trickery.

4. Accordingly, Eby-Brown seeks to have the Motion heard on shortened notice on December 18, 2024, during the Court’s regular motion call, or otherwise at the Court’s earliest availability.

*[Remainder of Page Intentionally Left Blank]*

WHEREFORE, Eby-Brown respectfully requests that the Court (i) grant the relief requested in this Application by allowing Eby-Brown to notice the Motion for hearing on December 18, 2024, at 10:00 a.m., or otherwise at the Court's earliest availability; and (ii) grant such other and further relief as the Court deems appropriate.

Dated: December 12, 2024

Respectfully submitted,

/s/ William K. Kane

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